

**From:** Hays, John <johnhays@eversheds-sutherland.com>  
**Sent:** Wednesday, June 17, 2020 3:43 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** [Non-DoD Source] RE: My Status

The attorney I retained for my BCNR appeal indicates that in addition to the discharge certificate I rate a certificate of service that is essentially a letter identifying the dates I served in the reserves from May 2013 to discharge. This is why reservists' discharges are not a DD214 occasion and essentially what takes the place of the DD214. Will that be included? I just need to know if that is something else to add to my BCNR appeal.

John Hays | Associate

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**From:** (b)(6)  
**Sent:** Wednesday, June 17, 2020 4:36 PM  
**To:** Hays, John <JohnHays@eversheds-sutherland.us>; (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: My Status

John Hays. Tried calling the other day to get an accurate address to mail the attached document. Please advise.

Respectfully submitted,

(b)(6)

Personnel Officer  
1st Battalion 23d Marines  
Houston, TX 77034



(b)(6)

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**From:** Hays, John <[johnhays@eversheds-sutherland.com](mailto:johnhays@eversheds-sutherland.com)>  
**Sent:** Monday, June 15, 2020 1:05 PM  
**To:** (b)(6)  
**Cc:** (b)(6)

<

**Subject:** [Non-DoD Source] RE: My Status

(b)(6) indicated I should contact you to get an answer to my question at the beginning of this email chain regarding availability of COBRA benefits after my discharge today. I did not request that you opine regarding the DD214.

(b)(6) provided an answer regarding the DD214 earlier today. All I need to know, as indicated below, is am I eligible for COBRA benefits while I transition my health insurance from TriCare to my law firm's plan? I cannot enroll outside of the open enrollment period until I show a loss in coverage which doesn't happen until tomorrow. Otherwise, I would have already enrolled in my employer's plan to ensure a seamless transition and would not otherwise have this question.

John Hays | Associate

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**From:** (b)(6)  
**Sent:** Monday, June 15, 2020 1:59 PM  
**To:** Hays, John <[JohnHays@eversheds-sutherland.us](mailto:JohnHays@eversheds-sutherland.us)>  
**Cc:** (b)(6)  
<

**Subject:** RE: My Status

GySgt Hays,

I am not sure what your specific question is for Medical, as I have nothing to do with DD214s.

V/R

(b)(6)

Senior Medical Department Representative(SMDR)  
1st Battalion, 23d Marines  
I-I Medical Department Representative H&S Company  
I-I Medical Department Representative Alpha Company  
10949 Aerospace Ave.  
Houston, TX 77034  
Email:  
Office: (b)(6)  
Cell:

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**From:** Hays, John <[johnhays@eversheds-sutherland.com](mailto:johnhays@eversheds-sutherland.com)>

**Sent:** Sunday, June 14, 2020 9:59 AM

**To:**

**Cc:** (b)(6)

**Subject:** [Non-DoD Source] Re: My Status

Chief - following up on below. Thanks.

Sent from my iPhone

On Jun 13, 2020, at 09:12, Hays, John <[JohnHays@eversheds-sutherland.us](mailto:JohnHays@eversheds-sutherland.us)> wrote:

Chief - can you help re answers about the COBRA questions I have below? Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Hays, John" <[JohnHays@eversheds-sutherland.us](mailto:JohnHays@eversheds-sutherland.us)>

**Date:** June 13, 2020 at 08:04:34 EDT

**To:**

**Cc:** (b)(6)

**Subject:** Re: My Status

Thanks for that, Sir. If your answer was to refer me to (b)(6) and the career planner that would have been easy to do, regardless of workload, days ago.

This is still unhelpful, however, because I have a prior DD214 from active duty and 7 years of service in the reserves since that. Is your answer that because I am injured the last 7 years don't count? Surely that is not true especially considering that the DD214 is the only post-service record of dates served. So, if you can find the time, I am requesting (and frankly am entitled to) an explanation re which bucket I fit in and why - not just a cut and paste response from the separation manual. As I've indicated below, if you are overwhelmed at the moment I'm happy to talk to someone else. I just don't know who that is and figured you were my best source. I will contact (b)(6) and the career planner separately so as not to intrude on your time any more than necessary.

On Jun 12, 2020, at 18:17, Jeffries CWO3 Anarian F  
<[anarian.jeffries@usmc.mil](mailto:anarian.jeffries@usmc.mil)> wrote:

GySgt. Responses per the previous inquiry.

First, why do I not rate a DD214? That seems odd but I assume there is an explanation and it would be helpful to know why.

REPLY: See MACORSEPMAN 1900.16 par 1202 section 4.

4. DD Form 214 will not be issued to:

- a. Marines discharged for the purpose of immediate reenlistment in the Marine Corps and remaining on active duty;
- b. Marines found disqualified upon reporting for active duty and who do not perform duties in accordance with orders;
- c. Marines whose active duty, active duty for training, or AR duty is terminated by death;
- d. Marines released from a period of less than 90 days active duty for training, except as specified in paragraph 1202.3b;
- e. Enlisted Marines receiving temporary appointment to warrant or commissioned officer grade;
- f. Marines who have temporary officer status terminated and remain on active duty as an enlisted Marine;
- g. Personnel removed from the TDRL;
- h. Enlisted Reservists released from a period of Active Duty Operational Support (ADOS) or active duty for training of less than 90 days or discharged from the Reserve component status to integrate into a Regular component unless otherwise directed under paragraph 1202.3b. Although not issued a DD Form 214, such Reservists will be assigned a reenlistment code from Appendix I for record purposes (e.g., page 11 entries, discharge letters, statements of service) and MCTFS entries per PRIUM;
- i. Reserve officers released from a period of less than 90 days of active duty or active duty for training; or
- j. Marines separated or discharged who have been furnished a prior edition of the DD Form 214, unless the form is in need of reissuance for some other reason.

k. Reserve Marines executing discharge, including transfer to the FMCR or retirement, unless in connection with an occasion identified under paragraph 1202.3b.

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What do I expect/need to do next? I turned my issued gear in a long time ago since I was not able to go to the field and other Marines needed it. DO I need to report to the HTC? Report to an HTC in the DC metro area?

REPLY: No need to report to the HTC. I'll simply stop by supply to obtain your IMR to verify that you don't have any remaining gear in the system.

---

I understand that my Tricare eligibility ends on the day my contract ends but do I have access to any extended healthcare benefits (e.g. COBRA) while I set my family up with new insurance. The problem here is that my law firm's insurance plan runs on an open enrollment period and in order for me to gain coverage under that plan (now outside of open enrollment) I have to show loss of coverage (Tricare) since the open enrollment period expired. This leaves me and, more importantly, my wife and children with a gap in insurance coverage if I do not have access to any additional benefits like COBRA etc. Again, not trying to get something I do not "rate" but need to know so I have a clear understanding re expectations.

REPLY: Please direct this question to (b)(6)

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Is my discharge date on June 15, 2020?

REPLY: Per you BUMED letter you will be discharged on Monday 6/15.

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Also, please confirm that I am not eligible for an extension while I petition the Board of Naval Corrections regarding the LOD denial.

REPLY: Not entirely certain, but verify with the Career Planner and medical.

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Apologies for all the questions and understand if you need to pass me off to someone else to accommodate your schedule. Thanks in advance.

Respectfully submitted,

(b)(6)

Personnel Officer  
1st Battalion 23d Marines  
Houston, TX 77034



(b)(6)

---

**From:** Hays, John <[johnhays@eversheds-sutherland.com](mailto:johnhays@eversheds-sutherland.com)>

**Sent:** Friday, June 12, 2020 1:50 PM

**To:** (b)(6)

**Subject:** [Non-DoD Source] RE: My Status

Good afternoon, Sir. Just checking in to see if you could help me understand below. Thanks.

John Hays | Associate

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**From:** Hays, John

**Sent:** Wednesday, June 10, 2020 1:48 PM

**To:** (b)(6)

>

**Subject:** RE: My Status

Good Afternoon, Sir. Just following up on below. Any guidance greatly appreciated. Thanks.

John Hays | Associate

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**From:** Hays, John

**Sent:** Monday, June 8, 2020 9:48 AM

**To:** (b)(6)

**Subject:** RE: My Status

Thanks, Sir.

I have a number of questions.

First, why do I not rate a DD214? That seems odd but I assume there is an explanation and it would be helpful to know why.

What do I expect/need to do next? I turned my issued gear in a long time ago since I was not able to go to the field and other Marines needed it. DO I need to report to the HTC? Report to an HTC in the DC metro area?

I understand that my Tricare eligibility ends on the day my contract ends but do I have access to any extended healthcare benefits (e.g. COBRA) while I set my family up with new insurance. The problem here is that my law firm's insurance plan runs on an open enrollment period and in order for me to gain coverage under that plan (now outside of open enrollment) I have to show loss of coverage (Tricare) since the open enrollment period expired. This leaves me and, more importantly, my wife and children with a gap in insurance coverage if I do not have access to any additional benefits like COBRA etc. Again, not trying to get something I do not "rate" but need to know so I have a clear understanding re expectations.

Is my discharge date on June 15, 2020?

Also, please confirm that I am not eligible for an extension while I petition the Board of Naval Corrections regarding the LOD denial.

Apologies for all the questions and understand if you need to pass me off to someone else to accommodate your schedule. Thanks in advance.

GySgt Hays

John Hays | Associate

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**From:** (b)(6) >  
**Sent:** Friday, June 5, 2020 8:10 AM  
**To:** Hays, John <[JohnHays@eversheds-sutherland.us](mailto:JohnHays@eversheds-sutherland.us)>  
**Subject:** RE: My Status

Good morning Gunz.

Regarding the discharge you're correct in that you've been assigned a specific code that represents the nature of the separation from service. Make no mistake though, as the separation is still under honorable conditions, but again due you not being medically fit for further service. The VA, Department of Labor and other entities will be able to reference the code should they require documents associated with your military record. Per the Marine Corps Separations Manual I'll be issuing you the honorable discharge certificate upon processing the unit diary entry as you do not meet the criteria to receive a DD214. I know this is relatively cut and dry and I'm sensitive to your situation, but essentially that is all that I need to move forward with the administrative transactions.

Respectfully submitted,

(b)(6)

Personnel Officer  
1st Battalion 23d Marines  
Houston, TX 77034



(b)(6)

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**From:** Hays, John <[johnhays@eversheds-sutherland.com](mailto:johnhays@eversheds-sutherland.com)>

**Sent:** Thursday, June 4, 2020 12:40 PM

**To:** (b)(6)

**Subject:** [Non-DoD Source] RE: My Status

No worries and totally understand. I just need to know what all of these codes next to my name mean in MOL. I show that I am set to be discharged based on physical disability on June 15 but do not understand exactly what that entails beyond that. I have reached the final level of appeal and denial from the PEB and BUMED so I am now appealing to the Board of Naval Corrections and working with a civilian attorney on that process. My understanding is that I do not rate an additional extensions while I file my appeal with the Board of Naval Corrections.

In sum, just looking for some explanation or guidance re "whats next" for me since it seems my 17 year career is about to end in a much different way than I expected.

John Hays | Associate

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**From:** (b)(6)  
**Sent:** Thursday, June 4, 2020 1:37 PM  
**To:** Hays, John <[JohnHays@eversheds-sutherland.us](mailto:JohnHays@eversheds-sutherland.us)>  
**Subject:** RE: My Status

GySgt. What's seems to be the issue? The best way to reach me is via email in that I'm the only certifier for the Battalion at the moment. The multiplex mobilizations, and AT functions are truly holding my time hostage.

Respectfully submitted,

(b)(6)

Personnel Officer  
1st Battalion 23d Marines  
Houston, TX 77034



(b)(6)

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**From:** Hays, John <[johnhays@eversheds-sutherland.com](mailto:johnhays@eversheds-sutherland.com)>  
**Sent:** Wednesday, June 3, 2020 2:14 PM  
**To:** (b)(6)  
**Subject:** [Non-DoD Source] RE: My Status

Sir – Just following up on this. Have time to discuss? My cell is 252-665-0531. The numbers below will work as well as they are forwarded to my cell during all of this remote work madness. Thanks.

John Hays | Associate

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**From:** Hays, John  
**Sent:** Tuesday, June 2, 2020 12:41 PM

**To:** (b)(6) >  
**Subject:** My Status

Sir – I hope you are doing well. Do you have time for a short call today?

John Hays | Associate

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